

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* ERIC G. JAKSTADT, MICHAEL L. WATERSON, VASANTHA  
BADARI, and JARROD E. PFOST

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Application 09/747,308

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Mailed: October 22, 2008

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Before ERIC W. HAWTHORNE *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed two Information Disclosure Statements (IDSs) dated December 28, 2007, and March 3, 2008. There is no indication on the record that the Examiner has considered the above Information Disclosure Statements. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statements is required.

**CONCLUSION**

Accordingly, it is

**ORDERED** that this application be returned to the Examiner to:

- 1) consider the Information Disclosure Statements filed on December 28, 2007, and March 3, 2008, and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB

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